IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 07.09.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
And
The Hon'ble Mr. Justice S.MANIKUMAR

Writ Petition No.1265 of 1996
& WMP No.1996 of 1996

P.Rangaraju … Petitioner

Vs.

1. The State of Tamil Nadu,
represented by its Secretary,
Home Department, Fort St. George,
Madras-9.

2. The District Collector,
Coimbatore.

3. The Deputy Inspector General
of Police, Coimbatore Range,
Coimbatore.

4. Karunya Institute of Technology,
represented by its Founder
Br.Dr.D.G.S.Dinakaran,
Velacheri Road, Guindy,
Madras. … Respondents

For Petitioner : Mr.S.U.Srinivasan
for Mr.G.Karthikeyan

For State : Ms.D.Geetha,
Addl. Government Pleader.
Mr.Titus Jesudoss for R4

Petition under Article 226 of the Constitution of India for the issuance of a writ of declaration as stated therein.

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(Order of the Court was made by P. SATHASIVAM, J.)

. . . . .

One P.Rangaraju, a resident of Nallurvayal, Boluvampatti, Alandurai (via) Coimbatore District, has filed the above Public Interest Litigation, seeking to issue a writ of declaration to declare the sanction given by respondents 1 to 3 to establish a Police Station within the precinct of the 4th respondent institute with its financial aid as null and void.

2. In the affidavit, the petitioner has stated that Nallurvayal village is predominantly inhabited by poor and illiterate Adivasi families. After securing lands in and around the nearby villages, the fourth respondent started various educational Institutions. Nallurvayal, where the fourth respondent has formed Karunya Nagar, is a peace prevailing village and the same being very backward in economic status, opening up of a police station is not warranted. It is also stated that though several other important Institutions are located in and around Coimbatore City, the Government has not taken any step for location of police station either within or near the vicinity of those Institutions. It is also the grievance of the petitioner that the 4th respondent is propagating Christianity. Though the petitioner has made a representation for removal of the name board, viz., 'Karunya Nagar Post Office', no action was taken by respondents-1 to 3, hence, the present Writ Petition.

3. On behalf of respondents-1 to 3, Joint Secretary to Government (Police & Fire Services), Home Department, has filed counter affidavit, highlighting their stand. It is stated that the Government, in G.O.Ms. No.721, Home (Police XIV) Department, dated 18.5.1995, has ordered for opening of a new police station at Karunya Nagar, located in the revenue village of Madhavarayapuram of Coimbatore South Taluk, which lies in Coimbatore Rural Police District. Inasmuch as a number of families are living in that area and in view of the speedy growth of the villages and on the basis of the recommendations of the local committee headed by the District Collector, Coimbatore District, the Director General of Police (D.G.P.) requested for opening of a new police station (Type V) at Karunya Nagar. The D.G.P. has also reported that the founders of Karunya Educational Trust had agreed to provide land, buildings and other infrastructure required for opening of a police station at Karunya Nagar at their own cost. The police station at Karunya Nagar was opened on 02.09.1995 and has been functioning as such.

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There are about 78 Adivasi families consisting of 250 members spread over in Nallurvayal, which is very adjacent to Karunya Educational Institutions. Besides, there are also families residing in the same area who are Caste Hindus and are working as Agricultural Labourers in the agricultural lands located in the villages. Karunya Educational Trust is providing to them free education, free medical aid and employment opportunities in their Institutions.

The Post Office and the Police Station have been located in the buildings owned by the Trust, hence, the name 'Karunya Nagar' has been mentioned for the Post Office and the Police Station for the purpose of identification. The present Police Station serves the following areas:-

" 1. Madhavarayapuram Revenue Village consisting of 4 hamlets,

(a) Nallurvayal
(b) Iruttupallam
(c) Sadivayal
(d) Mundanthurai

2. Ikkarai Belvampatty South Revenue Village- consisting of hamlets,

(a) Semmedu
(b) Poondi
(c) Mullangadu
(d) Kottaikkadu
(e) Karumbukkadupathy

3. Alandurai Revenue Village (part) consisting of hamlet of

(a) perumalkoilpathy

Population details of Educational Institutions:

(a) Karunya Trust .. about 1920 persons
(b) Chinmaya Mission Trust .. about 130 persons
(c) Government Schools .. about 896 persons"

It is also stated that apart from the Police Station; Hospital, Canara Bank Branch, Branch Post Office, Telephone Exchange and Evangeline School are located inside the Institution. They have also provided the quarters for the police personnel in good faith and for the benefit of the local public in that area. The police station in that area is necessary for the public particularly to maintain peace, public tranquility and law & order. The police personnel at Karunya Nagar Police Station are discharging their duties and responsibilities for the Government under the

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supervision of the superior police authorities and they are not under the control of anyone including the 4th respondent.

4. The main apprehension projected by the learned counsel for the petitioner is, first of all, there is no need for establishing a Police Station in the village in question; secondly, respondents-1 to 3 are not justified in establishing the same within the precincts of the Institution.

5. Before considering the above aspects, it is relevant to refer to the salient features of G.O.Ms. No.721, Home (Police XIV) Department, dated 18.05.1995. It is seen that, based on the report of the Director General of Police; taking note of various aspects including population; and also the report of the local Committee headed by the District Collector; and after ascertaining the fact that the Founder of Karunya Education Trust has agreed to provide land, buildings and other infrastructures required for opening of a police station at Karunya Nagar; the Government accorded sanction and also directed the D.G.P. to follow the usual procedure. The Government has also issued a separate notification defining the jurisdiction of the Karunya Nagar Police Station. The details mentioned in the Government Order as well as the information furnished by the Joint Secretary to Government, Home Department, in the counter affidavit, would make it clear that the Police Station in Karunya Nagar has been established for rendering service to the public in the area and not exclusively for the purpose of Karunya Institutions.

6. We have already noticed that, apart from the Police Station; hospital, bank, post office and telephone exchange are also located within the precincts of the 4th respondent/institution. Taking note of the jurisdiction conferred and considering the number of charitable and other activities, we are unable to accept the apprehension raised by the petitioner.

7. It is seen that, pursuant to the report submitted by the D.G.P. and the Committee headed by the District Collector; after proper order by the Government, the police station was opened on 02.09.1995. After opening of the police station, no untoward incident was brought to the notice of this Court that too at the instance of the 4th respondent/Institution. The apprehension that the Police Station was only for the benefit of the fourth respondent is misconceived particularly in the light of the reasons stated in the Government Order as well as the information furnished in the counter affidavit.

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8. In the light of what is stated above, we are satisfied that there is no merit in the claim made by the petitioner. Consequently, the Writ Petition fails and the same is dismissed. No costs. Connected Miscellaneous Petition is closed.

It is made clear that, if there is any violation of any of the provisions of the Act or Rules or public peace, the petitioner is free to make complaint/representation to the authorities concerned.

JI.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Secretary, Home Department, Fort St. George, Madras-9.

2. The District Collector, Coimbatore.

3. The Deputy Inspector General of Police, Coimbatore Range, Coimbatore.

1 cc to the Government Pleader, SR.41777
1 cc to Ms.K.Vanathi, Advocate, SR.41580

ng (co)

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WP No.1265/1996.

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